

Anthony F. Giuliano, Esq.
GIULIANO LAW, P.C.
Attorneys for Movants
445 Broadhollow Road, Ste. 25
Melville, New York 11747
afg@glpcny.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

----- X
In re:

Chapter 11

Orion HealthCorp, Inc., et al.,

Case No. 18-71748-67 (AST)
Case No. 18-71789 (AST)
Case No. 18-74545 (AST)

Debtors.

(Jointly Administered)

----- X
Howard M. Ehrenberg in his capacity as Liquidating :
Trustee of Orion Healthcorp, Inc., et al.,
CHT : Holdco, LLC, and CC Capital CHT Holdco LLC,

Plaintiffs,

Adv. Pro. No. 20-08052

v.

Abruzzi Investments, LLC; John Petrozza

Defendants.

----- X
**DECLARATION IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT AND IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT; DEFAULT JUDGMENT; AND MOTION TO STRIKE**

I, Anthony F. Giuliano, declare, under penalty of perjury, pursuant to 28 U.S.C.
§ 1746 as follows:

1. I am an attorney duly licensed to practice before all courts in the State
of New York. I am a partner with the law firm of Giuliano Law, PC, counsel for the

Defendants. The facts stated herein are of my own personal knowledge or made known to be from a review of the files and pleading in this action which are maintained in the ordinary course of business. If called as a witness to any facts set forth herein, I could and would competently testify thereto.

2. Plaintiff filed the complaint (the “Complaint”) commencing this adversary proceeding on March 14, 2020. A copy of the Complaint is annexed hereto as Exhibit “A”.

3. On May 5, 2020, Defendants filed an answer (the “Answer”) to the Complaint and asserted a counterclaim against the Plaintiff. A copy of the Answer is annexed hereto as Exhibit “B”.

4. The Plaintiff never filed an answer or otherwise moved with respect to the counterclaim. A copy of the Docket Report is annexed hereto as Exhibit “C”.

5. On July 24, 2018, Plaintiff conducted a deposition of Robinson Brog through Roger A. Raimond, Esq. (“Raimond”) A copy of excerpts of that deposition is annexed hereto as Exhibit “D”.

6. Exhibit “1” to the Raimond Deposition is a copy of a correspondence from Marian Rice, counsel for Robinson Brog along with the unredacted Robinson Brog Quick Report. A copy of the correspondence and the Quick Report is annexed hereto as Exhibit “E”.

7. The Quick Report shows the debits and credits for various IOLA accounts maintained by Robinson Brog and behalf of some of its clients.

8. The correspondence to Marian Rice was in response to this Court’s order directing the turnover of unredacted IOLA accounts of certain non-debtor entities. A true and correct copy of the order dated June 26, 2018 is annexed hereto as Exhibit “F”.

9. On September 2, 2021, Plaintiff served a notice of designation of expert identifying Craig Jacobsen as Plaintiff’s only expert. A true and correct copy of Plaintiff’s designation of expert is annexed hereto as Exhibit “G”.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 14th day of March 2022.

/s/ Anthony F. Giuliano
Anthony F. Giuliano